

EXHIBIT 102

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

Case No.:

1:21-cv-7955-LAK

and consolidated

cases, Nos.:

21-cv-7957 LAK and

21-cv-7959 LAK

LAWRENCE D. LIEBER,

Defendant and Counterclaimant.

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

KEITH A. DETTWILER, in his capacity as
Executor of the Estate of Donald L. Heck,
Defendant and Counterclaimant.

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Defendant and Counterclaimant.

-----X

DATE: October 25, 2022

TIME: 9:41 A.M.

(Caption continues on following page.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REALTIME VIDEOTAPED DEPOSITION
of the Defendant, LARRY LIEBER, taken by
the Plaintiff and Counterclaim-Defendant,
pursuant to a Court Order and to the
Federal Rules of Civil Procedure, held at
the offices of O'Melveny & Myers, LLP, 7
Times Square, Times Square Tower, New York,
New York 10036, before Karyn Chiusano, a
Notary Public of the State of New York.

A P P E A R A N C E S:

O'MELVENY & MYERS, LLP

Attorneys for the Plaintiff and

Counterclaim-Defendant

MARVEL CHARACTERS, INC.

7 Times Square

Times Square Tower

New York, New York 10036

BY: DANIEL PETROCELLI, ESQ.

dpetrocelli@omm.com

TOBEROFF & ASSOCIATES, P.C.

Attorneys for the Defendant

and Counterclaimant

LAWRENCE D. LIEBER

23823 Malibu Road ~ Suite 50-363

Malibu, California 90265

BY: MARC TOBEROFF, ESQ.

mtoberoff@toberoffandassociates.com

ALSO PRESENT:

MARCELO RIVERA, Videographer

MOLLY LENS, O'Melveny & Myers, LLP

DANIELLE FEUER, O'Melveny & Myers, LLP

ELI BARD, via Zoom

JAYMIE PARKKINEN, via Zoom

* * *

1 LARRY LIEBER

2 not answer.

3 Q. How did he get your phone
4 number?

5 A. Um, he had it probably from the
6 previous, um, deposition.

7 You see -- if I can explain
8 something?

9 Q. Sure.

10 A. I, um, I was not a party in
11 that deposition, that's why I said I didn't
12 wonder who -- represent Marvel. I didn't
13 -- and I wasn't represented by Mr.
14 Toberoff.

15 And I tried to be as neutral
16 and fair as possible. I remember I even
17 found something in a book and that might
18 have been of value for learning the truth.

19 And I remember I called up -- I
20 forget which party first, I either called
21 Marvel's lawyers or I called -- well, let's
22 say I called Marvel's lawyers first,
23 perhaps.

24 And I told them what I found in
25 this book and I said I was going to call

1 LARRY LIEBER

2 Mr. Toberoff and give him the same
3 information because I -- I -- I wanted to
4 be fair in this thing. All I knew is that
5 they wanted me to come down and testify and
6 be truthful about the matter.

7 So, I gave it to both parties.

8 That's why I say I didn't consider Mr.
9 Toberoff my lawyer or Marvel my -- my -- my
10 lawyer.

11 Q. Thank you for that explanation.

12 And you were truthful in your
13 deposition in the Kirby case; right?

14 A. Yes.

15 As far as -- as far as I know,
16 yes. Right.

17 Q. You're not aware of anything
18 that you said in the Kirby case that was
19 not truthful; correct?

20 A. No.

21 Q. Okay.

22 MR. TOBEROFF: Please, um, when
23 he asks the question --

24 THE WITNESS: Oh, I keep
25 forgetting.

LARRY LIEBER

E X H I B I T S

PLAINTIFF'S EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
1	Letter being dated January 31, 2011	23
2	Deposition transcript with attached errata sheet	31
3	Document, entitled "A Conversation with Artist-Writer Larry Lieber, conducted & Edited by Roy Thomas, Transcribed by Jon B. Knutson"	35
4	Document entitled: "Comic Book Marketplace, Special Halloween Horror-Fest! Jim Warren's Creepy & Eerie! Plus: Grisly, Gruesome and Ghastly...Pre-Code	

1		LARRY LIEBER	
2		Horror!"	41
3	5	Document, entitled:	
4		"The Larry Lieber Interview,	
5		by Barry Dutter	43
6	6	Document, entitled:	
7		"Tribute: 2003 Kirby Tribute	
8		Panel"	45
9	7	Document, entitled: "20th	
10		Century Danny Boy"	49
11	8	Document with picture of	
12		Stan Lee on cover, entitled:	
13		"Special STAN LEE 85th	
14		Birthday Issue!"	51
15	9	Document, entitled:	
16		"Alter Ego, It Finally	
17		Happens! Jack Kirby Takes	
18		Over Alter Ego!"	54
19	10	CD of video	60
20	11	Document, entitled: "Back	
21		Issue Icons Interview of	
22		Larry Lieber"	62
23	12	CD of podcast	63
24	13	Transcript of podcast	63
25	14	Audiotape	68

1		LARRY LIEBER	
2	15	Certified transcript of	
3		interview	68
4	16	E-mail	68
5	17	E-mail	80
6	18	E-mail	86
7	19	E-mail from Marvel: August	
8		1961 Omnibus Introduction	
9		from Cory Sedimeier,	
10		dated Thursday, January	
11		28, 2021 at 7:10 A.M.	93
12	20	"Tales of Suspense,	
13		"IRON MAN" He Lives!	
14		He Walks! He Conquers!"	158
15	21	One-page document,	
16		entitled "RAWHIDE KID"	
17		Gunfight with Yerby's	
18		Yahoos!"	176
19	22	Contract, beginning with	
20		the words: "AGREEMENT made	
21		this 14 day of June, 1978,	
22		by and between Larry	
23		Lieber"	182
24	23	Complaint for Declaratory	
25		Relief	216

LARRY LIEBER

24	Defendant Lieber's Second Amended Responses and Objections to Plaintiff's First Interrogatories to Lawrence D. Lieber	226
25	Defendant Lieber's Responses and Objections to Plaintiff's First Set of Requests for Admission to Lawrence D. Lieber	236
26	Plaintiff's First Request of First Set of Requests For Admission to Defendant and Counterclaimant Lawrence D. Lieber	239
27	Life insurance policy	305
28	Plot prepared by Stan Lee	309

(Exhibits retained by Court Reporter.)

LARRY LIEBER

I N D E X

EXAMINATION BY	PAGE
MR. PETROCELLI	9 / 289
MR. TOBEROFF	252

INFORMATION AND/OR DOCUMENTS REQUESTED	
INFORMATION AND/OR DOCUMENTS	PAGE
(None)	

QUESTIONS MARKED FOR RULINGS

PAGE	LINE	QUESTION
72	6	Mr. Lieber, you did speak to your counsel during the break; is that correct?

LARRY LIEBER

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

I, KARYN CHIOUSANO, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of November,
2022.



KARYN CHIOUSANO